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Order 2003-1-28  
Served: January 29, 2003



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 17<sup>th</sup> day of December, 2002

In the matter of the revocation of the certificate  
authority issued to

**EMERY WORLDWIDE AIRLINES, INC.**

in accordance with section 204.7 of the  
Department's Regulations

Dockets 46443, 46858,  
OST-98-4046 and  
OST-02-12547- 4

**ORDER REVOKING FOREIGN CERTIFICATES**

By Order 2002-12-14 issued December 17, 2002, we revoked for reasons of dormancy the Domestic All-Cargo Air Service Certificate issued to Emery Worldwide Airlines, Inc. (Emery) by Order 89-12-45.

By this order, we are revoking the company's companion charter and scheduled foreign certificate authority.<sup>1</sup> Instead of repeating our findings and conclusions in Order 2002-12-14, we incorporate them here by reference.

**ACCORDINGLY**, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We revoke the foreign charter all-cargo certificate of public convenience and necessity issued to Emery by Order 89-12-45, and the foreign scheduled all-cargo certificate of public convenience and necessity issued to the carrier by Order 99-12-47.

<sup>1</sup> Emery's foreign all-cargo authority is contained in both Order 89-12-45 and Order 99-12-7. The first of these, issued on December 22, 1989, reissued to Emery the foreign charter all-cargo certificate that had been held by Air Train, Inc. that permitted that carrier to serve any point in any state of the United States or the District of Columbia or any territory or possession of the United States, and any point outside thereof. By Order 91-1-44, issued on January 15, 1991, the Department issued Emery a foreign scheduled all-cargo certificate that included 52 foreign points. Finally, by Order 99-12-7, issued on October 13, 1999, the Department reissued Emery's 1991 certificate to include an additional 64 foreign points.

2. Unless disapproved by the President of the United States under section 41307 of Title 49 of the United States Code, this order shall become effective on the 61<sup>st</sup> day after its submission for section 41307 review or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier.<sup>1</sup>

3. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

The action taken in this order shall be effective immediately, and the filing of a petition for review shall not alter its effectiveness.

By:

**RANDALL D. BENNETT**  
Director  
Office of Aviation Analysis

(SEAL)

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*http*

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<sup>1</sup> This order was submitted for section 41307 review on December 17, 2002. On January 28, 2003, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.

ATTACHMENT A

**SERVICE LIST FOR EMERY WORLDWIDE AIRLINES, INC.**

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PRESIDENT EMERY  
WORLDWIDE AIRLINES  
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MS JONI MOUNT  
PRODUCT MANAGER  
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MR ALLEN MUTEN  
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